

Task Code 093, 095 – RESOLUTION/DECISION WRITING AND BOS HEARING PREPARATION/ATTENDANCE PROCEDURES

PURPOSE

To ensure that the public and Board of Supervisors have the opportunity to hear and comment about the land use proposal. A public record is also created.

OUTLINE OF PRIMARY STEPS

Task 093 – Hearing Preparation BOS
Completed by Project Manager

Section I – Hearing Preparation

- Attend the Director/County Counsel Briefing. Take notes of all determinations, recommendations, and required follow up. Be prepared to discuss what took place at the Planning Commission hearing and/or discussion of the documentation submitted with a project appeal.
- Call the Planning Group chair to inform them of the Department Recommendation.
- Consider the following in setting the Hearing date: Allow ample time to complete all of the required hearing preparation tasks
- Coordinate with the assigned counsel to determine appropriate hearing date.
- Check availability of the applicant and of County staff.
- Obtain Management approval of the proposed hearing date. Docket project for Hearing with the Board Secretary.
- Call the Community Planning/Sponsor Group to notify them of hearing date
- Request Graphics package from GIS
- Prepare Legal Advertisement/Public Notice Package. The public notice package includes a notice in the newspaper announcing the date and time of the public hearing and a mailing of hearing notices to surrounding property owners and relevant agencies/groups
- Provide Project Planning Secretary any additional addresses and Agency Distribution List for distribution
- Obtain final approval of public notice package from your Planning Manager/Chief/DBLC. Give the approved draft package to the Board Secretary. The Board Secretary will provide legal ad to counsel for FINAL approval and docketing. The legal ad will be sent out by the Clerk of the Board (COB).

Section II – Resolution/Decision Writing, Staff Reports, PowerPoint Presentations

- Complete the Board Letter and complete the Resolution/Decision.
- If the applicant and/or their representatives plan on giving a formal PowerPoint presentation at the BOS hearing have them directly contact Jacquelyn Collins, BOS video production specialist, at least one week prior to the hearing for submittal requirements; (619) 595-4680. Inform the applicant that if any printed materials are to be submitted, the Clerk of the BOS may need a minimum of 22 copies.
- Six weeks prior to hearing, submit the draft Board Letter, Resolution/Decision, Land Use Analysis, Additional Case Information Sheet, all attachments including CEQA documentation and provide to your Planning Manager for review. After review by from Planning Manger, incorporate revisions.
- Five weeks prior to hearing, submit the hearing package to the Chief for review. After Chief review and approval, provide the Board Letter to the DPLU Board Letter Coordinator (DBLC) for review. Incorporate revisions. Give the draft Board Letter and environmental documents to the Board Secretary.
- Integrate Chief and DBLC comments and prepare package for counsel delivery. Complete a Counsel- Legal Request Form. The Board Secretary will provide hardcopies of the Board Letter and the environmental documents to Counsel and other relevant departments for review.

- After receipt of County Counsel and other department comments on the Board Letter, review comments with your Planning Manager and DBLC and make any revisions, as necessary.
- GO/NO GO Decision Made. Based on County Counsel comments, or other relevant information, the Project Manager in conjunction with DPLU management must make a decision whether to continue to attempt to make the scheduled BOS hearing date.
- Board letter is sent to DCAO for review. Once comments are returned, review comments with the DBLC.
- Provide final hearing package to Board Secretary; the Secretary provides final signed Board letter to Counsel and DCAO.
- Prepare Power Point Presentation.
- Attend the Tuesday Counsel Briefing the week prior to the Board Hearing. The presenter of the Power Point must practice the presentation at Briefing and have copies of the Power Point available for review.

Task 095 – Hearing Attendance **Completed by Project Manager**

Coordination

- Two days before the hearing, contact the applicant to discuss the hearing. Identify the item #, discuss if the item can be taken as a consent item. Provide information about any calls in support or opposition to the project.
- Two days to 24 hours before the hearing, send a reminder to all staff that are scheduled and needed to attend the hearing.
- If any last minute issues come up, coordinate with the project team (DPW, DEH, etc.) and be prepared to address these issues.

Hearing Attendance

- Attend the Hearing rehearsal. PC rehearsals are mandatory, ZA optional depending on complexity/controversy. Based on the rehearsal, make modifications to the PowerPoint presentation as needed and follow up with Planning Manager
- Day of Hearing – Project Manager must arrive early
- At the Hearing - Take notes of the comments that any speakers make
- During the decision, note the motion, maker and second, and vote.
- If an item is continued, follow the Continued Item Procedures.

Finalizing NOD/NOE and Decision Documents

- File NODs & NOEs - File the NOD or NOE immediately after a decision is made, including the applicable Fish and Game Fees and County Clerk fees. This starts the statute of limitations for appeals and must be completed within 5 business days of the decision to approve the project.
- If you are at the BOS, after the decision, file the NOD or NOE at the County's Clerk's office. If you file a NOD at the County Clerk's office, fax the NOD to the State Clearinghouse. Filing NOEs with the Clearinghouse is not required except for certain housing projects: farm worker housing, low-income housing, and urban infill housing. Otherwise, give the NOD / NOE with Fish and Game Fees to the Secretary immediately following a decision and they will file it with both the County Clerk and the State Clearinghouse.
- The section secretary will mark the distribution date on the bottom of the NOD/NOE and distribute copies to the following: the County Clerk, if there are State responsible or trustee agencies, the State Clearinghouse, Project Applicant, Project File, any individual that specifically requests all CEQA notices.
- Mail the Maps/Plans and the Decision Documents stamped with a "Subject to 10 Day Appeal" statement. The

10 day appeal period applies to maps and permits. The documents will inform the interested parties of the decision made at the hearing and the appeal period.